UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,517	07/31/2003	Paulo Matos	U1656-00007	4344

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EXAMINER
ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/632,517	MATOS ET AL.
	Examiner	Art Unit	
	ANGELA A. ARMSTRONG	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *42-70* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *42-70* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

2.   Claims 42-47, 49, 52-59, and 61-70 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Britton (US Patent No. 4,785,408) in view of Bala (US Patent Application

Publication No. 2004/0130572).

3.   Britton discloses a method and apparatus for generating computer-controlled interactive

voice services.

4.   Regarding claims 42, 61-66 and 67, Britton discloses a system for composing dialogs to

be executed for providing and receiving information to and from remote human subjects by

telephone, comprising: at least one programmed processor coupled to a memory and to an

operator interface, wherein the processor is programmed to compose and store a dialog under

control of a human configuror (col. 4, line 42), which dialog is thereafter executable to

accomplish input and output operations (col. 4, lines 24-32) over a telephone network (col. 4,

lines 24-32) between a remote subject and a data repository (col. 4, lines 11-42); wherein the

processor is programmed to offer for selection by the configuror and to accept selections via the

operator interface, a plurality of dialog components and applicable options, wherein said dialog

components have predefined behaviors that interact with one another, with the subject and with

the data depository, according to said selections of the dialog components, a sequence of the

dialog components and selected said applicable options (Figure 5; col. 9, line 1 to col. 10, line

23; col. 10, line 27 to col. 14, line 18); and whereby the configuror can assemble an operational

dialog using the processor (col. 4, line 11 to col. 8, line 4; col. 9, lines 1 to col. 14, line 18) and

the configuror need not understand specifics of the behaviors and interactions of the dialog

components (col. 5, lines 46-67). Britton does not disclose presenting a wizard to provide step-

by-step instructions and accept responses to constrain subsequent instructions to compose the

dialog components. However, providing a user with a wizard interface with step-by-step

instructions was well known so as to assist the user with completing a software/computer

implemented task. Bala describes a system for authoring and executing wizards, in which

wizards are created either from existing structured content or are created using simple authoring

tools and which work on top of existing GUI using existing GUI automation modules, and can

either teach users how to perform tasks or perform tasks on their behalf. The wizards can also

dialog with the user, helping them make choices, and can access system/user state to perform

conditional actions. Therefore, it would have been obvious to one of ordinary skill at the time

of the invention modify the system of Britton to implement the wizard assistance of Bala, for

the purpose of assisting the user with completing the windows based dialog generating task, as

was well known in the art.

Regarding claims 43 and 68, Britton discloses the behaviors of the dialog components

comprise: at least one data repository access operation for at least one of storing and retrieving

data that is particular to a subject (col. 8, lines 5-21); at least one audio playback behavior for

one of reading and recording an audio clip for a subject, and at least one remote data input

operation for accepting a subject-specific input value (col. 5, lines 10-14; col. 7, line 57 to col. 8,

line 4; col. 18, line 34 to col. 19, line 15); at least one data storage operation for storing a subject-

specific output value (col. 8, lines 5-21).

Regarding claim 44, Britton discloses the behaviors of the dialog components further comprise at least one conditional operation (col. 6, lines 49-59) wherein an executed sequence of the dialog components is varied according to at least one of said data that is particular to the subject, said subject-specific input value (col. 18, lines 24-33), and a value that is derived using at least one of said data and said input value.

Regarding claims 45 and 70, Britton discloses the behaviors include at least one predefined said conditional operation (col. 4, lines 11-22; col. 5, lines 10-14; col. 7, line 57 to col. 8, line 4; col. 18, line 34 to col. 19, line 25) comprising distinguishing among an answering machine remote subject response, a human remote subject response, a response of a predetermined human versus a response of an unknown human, and a lack of response determined from at least one of a continued ringing, detection of a busy signal, and silence.

Regarding claim 46, Britton discloses the behaviors include at least one predefined said conditional operation (col. 4, lines 11-22; col. 5, lines 10-14; col. 7, line 57 to col. 8, line 4; col. 18, line 34 to col. 19, line 25) comprising prompting for a response from the remote subject and distinguishing for at least one expected possible response from the remote subject versus a different response from the remote subject.

Regarding claims 47 and 69, Britton discloses the behaviors include at least one predefined said conditional operation (col. 4, lines 11-22; col. 5, lines 10-14; col. 7, line 57 to col. 8, line 4; col. 18, line 34 to col. 19, line 25) comprising distinguishing among at least two potential expected audio responses and an unexpected response, and wherein said responses comprise at least one of audio and numeric tone signals.

Regarding claim 49, Britton discloses the options (col. 5, line 50 to col. 8, line 22)

include at least one policy option relating to outgoing communications, comprising an automated

schedule affecting at least one of execution time and execution date for a behavior; a maximum

number of repeated attempts of a dialog; and, a maximum number of calls to be delivered

concurrently.

Regarding claim 52, Britton discloses the options (col. 5, line 50 to col. 8, line 22)

include at least one policy option comprising: a maximum number of repeated attempts of a

behavior within a dialog; and, a selection among alternative audio playback messages.

Regarding claim 53, Britton discloses the options (col. 5, line 50 to col. 8, line 22)

presented for selection by the configuror comprise associating at least one said policy option

with a subset of the remote human subjects determined by information regarding said remote

human subjects from the data depository.

Regarding claim 54, Britton discloses the options (col. 5, line 50 to col. 8, line 22)

presented for selection by the configuror comprise associating at least one said policy option

with a subset of the remote human subjects determined by information regarding said remote

human subjects from the data depository.

Regarding claim 55, Britton discloses the conditional operation comprises (col. 5, line 50

to col. 8, line 22; col. 9, line 1 to col. 14, line 18; col. 17, line 14 to col. 19, line 25) at least one

of: if/then conditional execution of a behavior determined according to a variable value

determined from at least one of said data that is particular to the subject, said subject-specific

input value, and a value that is derived using at least one of said data and said input value;

looping execution of a behavior determined according to said variable value; establishing error

conditions arising from one of presence and absence of said variable value; and, repeating

execution of a behavior upon one of presence and absence of said variable value.

Regarding claim 56, Britton discloses the conditional operation (col. 5, line 50 to col. 8,

line 22; col. 9, line 1 to col. 14, line 18; col. 17, line 14 to col. 19, line 25) comprises varying

execution of a behavior as a result of a comparison of said variable value to one of another

variable value and a constant value.

Regarding claim 57, Britton discloses the processor is programmed to offer to the

configuror at least one composed dialog having a function provided by a sequence of said

behaviors (Abstract; col. 4, line 11 to col. 8, line 4; col. 9, line 1 to col. 14, line 18).

Regarding claim 58, Britton discloses (col. 6, line 65 to col. 7, line 10; col. 17, lines 14-

24) the function comprises at least one of: attempting telephone communications with a list of

remote subjects by telephone number; confirming establishment of a connection to a telephone

number expected for a given remote subject; distinguishing between a connection with a human

and a connection with an automated answering device; reading out at least one data value for

potential confirmation by the remote subject as accurate; providing to the remote subject an

option of at least two potential choices and recording a choice of the subject in the data

repository; looping through a given sequence of behaviors; retrying upon detection of at least one

error condition; and transferring the connection.

Regarding claim 59, Britton discloses (col. 6, line 65 to col. 7, line 10; col. 17, lines 14-

24) the processor is programmed to offer to the configuror for selection at least one composed

dialog having a function provided by a sequence of said behaviors that comprise at least one of:

attempting telephone communications with a list of remote subjects by telephone number;

confirming establishment of a connection to a telephone number expected for a given remote

subject; distinguishing between a connection with a human and a connection with an automated

answering device; reading out at least one data value for potential confirmation by the remote

subject as accurate; providing to the remote subject an option of at least two potential choices

and recording a choice of the subject in the data repository; looping through a given sequence of

behaviors; retrying upon detection of at least one error condition; and transferring the

connection.

5.   Claims 48 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britton

in view of Bala and further in view of McCarthy (US Patent No. 7,003,079).

6.   Regarding claims 48 and 60, the combination of Britton and Bala does not specifically

teach the operation of the dialog includes generating and storing a dialog creation summary or a

call report summary. McCarthy discloses (col. 2, line 35 to col. 6, line 32) an apparatus and

method for monitoring the performance of an interactive voice response (IVR) system used by an

automated call processing center generates logs of call activity, determines routing information

from the logs, and determines at least one quantity correlated to a true intention of callers. A

performance model of the IVR system is generated from the logs. The logs, the routing

information, the quantity correlated to the true intention of the callers, and the performance

model are analyzed to determine a performance value of the IVR system, which is used to

monitor the IVR system. McCarthy specifically teaches the system is beneficial in evaluating

the usability and cost-effectiveness of the telephone user interface by quantifying usability

problems and justifying the cost of improving the user interface (col. 2, lines 35-44). Therefore,

it would have been obvious to one of ordinary skill at the time of the invention to modify the

system of Britton to implement dialog summaries and/or call report summaries as taught by

McCarthy, for the purpose of evaluating the usability and cost-effectiveness of the telephone user

interface, as suggested by McCarthy.

7.   Claims 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britton

in view of Bala and further in view of Eberle (US Patent No. 6,850,603).

8.   Regarding claims 50 and 51, the combination of Britton and Bala does not specifically

teach an option to include at least one policy option relating to incoming communications,

comprising an automated schedule affecting execution date for a behavior. Eberle discloses a

system and method for creation and automatic deployment of personalized, dynamic and

interactive voice services, including information derived from on-line analytical processing

(OLAP) systems and other data repositories, to allow for personalized delivery of information in

real-time, via natural language voice communication with a voice-enabled terminal device. The

system and method combines personalized information broadcast technology with an active

voice page. An active voice page is created by the system, stored in a call database and used to

generate dynamic voice menus. A call server retrieves the AVP from the call database and

delivers the content of the service by dialing a subscriber's telephone number, speaking message

text to the subscriber and recording the subscriber's input in response to the call menus. The

system also allows the creator or user to specifies when the voice service is to be executed. A

user may schedule a voice service to execute according to the date, the time of day, the day of

the week, etc. and thus, the scheduling condition will be a date, a time, or a day of the week,

either one time or on a recurring basis. In the case of an alert service, discussed in more detail

below, the scheduling condition will depend on satisfaction of one or more conditions. It would

have been obvious to one of ordinary skill at the time of the invention to modify the system of

Britton to implement an automated schedule affecting execution date for a behavior, as suggested

by Eberle, for the purpose of providing alerts to a user for the delivery of information to the

voice services subscriber, as suggested by Eberle.

Response to Arguments

9.   Applicant's arguments with respect to claims 42-70 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA A. ARMSTRONG whose telephone number is (571)272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angela A Armstrong/
Primary Examiner, Art Unit 2626